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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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FEDERAL INSURANCE COMPANY	:	ECF CASE
	:	
Plaintiff,	:	07 Civ. 11349 (RJS)
	:	
- against -	:	COMPLAINT
	:	
M/V “MAERSK VOSHOD”, her engines,	:	
tackle, boilers, etc.; MAERSK SEALAND;	:	
A.P. MOLLER-MAERSK A/S trading as MAERSK	:	
LINE; MAERSK INC.; MAERSK PUERTO RICO,	:	
INC.; HORIZON LINES LLC;	:	
	:	
Defendants.	:	

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Plaintiff, through its undersigned attorney, alleges as follows for its complaint against defendants upon information and belief:

FIRST CAUSE OF ACTION

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure with respect to the carriage of the subject cargo by sea and also falls within the Court’s federal question, pendent, ancillary, and supplemental jurisdiction as to the remaining aspects of the claim in suit. Plaintiff seeks recovery for cargo damage and loss caused by defendants’ breaches of contract and torts.

2. Plaintiff Federal Insurance Company is a corporation organized under the laws of one of the fifty states with an office at 55 Water Street, New York, New York and sues herein as subrogated insurer of the cargo in suit, having paid the insurance claim of

Quaker City Hide Company, and for and on behalf of the shipper, consignee and owner of the cargo, as their interests may appear.

3. The captioned defendants are believed to be corporations organized under the laws of certain of the fifty states or foreign sovereigns.

4. This Court has jurisdiction over the *in personam* defendants, who conduct business in the State of New York and/or within the United States as a whole within the meaning of pursuant to Rule 4(k)(2) Federal Rules of Civil Procedure.

5. Upon information and belief the captioned vessel is now, or will be during the pendency of this action, within the admiralty and maritime jurisdiction of this Honorable Court or otherwise subject to jurisdiction pursuant to Rule 4(k) (2) Federal Rules of Civil Procedure.

6. This action involves nondelivery of a shipment of conventional hides which moved, or were intended to move, in container POCU113984-1 aboard the M/V “MAERSK VOSHOD”, Voyage 0633, from San Juan, Puerto Rico, to Shanghai, China, as described more fully in Maersk Sealand bill of lading MAEU851691611 dated on or about December 18, 2006, and others. (Booking No.: 851691611, Maersk Claim No.: EIF851691611)

7. On or about December 18, 2006, as confirmed by the aforementioned bill of lading, the cargo was delivered into the care, custody and control of defendants who contracted to carry the cargo from place of receipt to the place of delivery. Although the cargo was in good order and condition at the place of origin, defendant failed to delivery the cargo at the intended destination.

8. The aforementioned cargo loss was caused by (a) the unseaworthiness of the carrying vessel and container; (b) defendants’ reckless failure to properly and safely

load, stow, lash, stack, carry, care for, protect, discharge, deliver and care for the subject cargo; and (c) defendants' conversion of the cargo to their own usage.

9. As a result of the foregoing, plaintiff and those on whose behalf it sues, has sustained damages in the amount of \$36,630.00 for which defendants are jointly and severally liable as common carriers, bailees and/or warehousemen for hire.

10. Plaintiff sues on its own behalf and as agent and trustee for and on behalf of anyone else who may now have or hereafter acquire an interest in this action.

SECOND CAUSE OF ACTION

11. Plaintiff repeats and realleges the allegations in Paragraphs 1 through 10 of this Complaint.

12. Defendants issued a fraudulent onboard negotiable bill of lading which misrepresented the content of the carrying container at the time of loading aboard the vessel.

WHEREFORE, plaintiff demands judgment against defendants jointly and severally in the amount of \$36,630.00 together with interest at the rate of 9% per annum and the costs of this action and prays that this Honorable Court issue its process against the aforesaid vessel in rem.

Dated: New York, New York
December 3, 2007

LAW OFFICES,
DAVID L. MAZAROLI

s/David L. Mazaroli

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File No.: 7C-1492